

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACKIE FISHER

Plaintiff,

vs.

**UNIVERSITY OF TEXAS
MEDICAL BRANCH and
DAVID WATSON**

Defendants.

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CIVIL ACTION NO. 4:08-CV-01273

Jury Demanded

**PLAINTIFF'S
UNOPPOSED MOTION FOR EXTENSION OF TIME**

Plaintiff asks the court to extend the deadline for her response to Defendants' Motion for Summary Judgment for two business day, or from Thursday December 10, 2009 until Monday December 14, 2009.

1. Plaintiff is Jackie Fisher; Defendant is University of Texas Medical Branch and David Watson.

2. Plaintiff sued Defendant on April 25, 2008 alleging violations of the CIVIL RIGHTS ACT OF 1964 as amended by the CIVIL RIGHTS ACT OF 1991, 42 U.S.C. §2000e *et seq.* and 42 USC §1981 & 1983 other discrimination causes of action. Defendant filed an answer on June 23, 2008.

3. The Joint Pretrial Order is due February 15, 2010 and Trial is set for February 22, 2010. The granting of this request should not jeopardize the trial setting in any manner.

4. Plaintiff's deadline for her response to Defendants' Motion for Summary Judgment is currently set for Thursday, December 10, 2009.

5. Plaintiff's attorney, Jo Miller requests additional time, primarily over the weekend, for personal health reasons.

6. This request will not prejudice Defendant because there will be no harm to Defendant and Defendant has agreed to the extension of two business days, or until December 14, 2009.

7. The delay should not work as a hardship to the Court because of the short time requested. Plaintiff would just like to adequately finish her response to Defendants' motion with a clear head and without contaminating her entire office staff and clients.

8. This request for continuance is not merely for delay, but so that justice may be done.

For these reasons, Plaintiff asks the Court for extra time and to extend the deadline for her response to the Motion for Summary Judgment from December 10, 2009 to December 14, 2009.

Respectfully submitted,

By: /s/ Jo Miller

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Attorney-in-Charge for Plaintiff
Jackie Fisher

CERTIFICATE OF CONFERENCE

I certify that on December 9, 2009, Defendant's counsel, Sam Lively, conveyed by telephone that he does not oppose Plaintiff, Jackie Fisher's Motion for Continuance. Defendant's counsel also agreed to the requested extension date of December 14, 2009

/s/ Jo Miller

JO MILLER

VERIFICATION

STATE OF TEXAS §

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MONTGOMERY COUNTY §

On this day, Jo Miller appeared before me, the undersigned notary public. After I administered an oath to her, upon her oath, she said that she stated:

- 1) I am on Enbrel a medication which destroys my immune system.
- 2) I am therefore more susceptible to ordinary illnesses such as flu and cold.
- 3) I have had the flu since Saturday and stayed in all weekend. I have tried to come back to work this week for a while.
- 4) I did expect that I would wear through it by now, but have not do so.
- 5) I came to work today only because I had a hearing in the Montgomery County Court at Law #3 which I could not reschedule, but this proved to be not a very good idea..
- 6) I am going home from work as soon as this request is filed.
- 7) I expect that can use my time this weekend to catch up and complete Plaintiff's response, expecting that after a week, I should be back on my feet again.
- 8) Before I started these treatments, I almost never asked for extensions and really hate to do so now, except that I am not functioning well this week.

I have read the foregoing document and that the facts stated in it are within her personal knowledge and are true and correct.

/s/ Jo Miller

Jo Miller

SWORN TO and SUBSCRIBED before me by Jo Miller on December 9, 2009.

/s/ Brittne Heard

Notary Public in and for
the State of Texas

(Original on File in the
LAW OFFICE OF JO MILLER, P.L.L.C.)

NOTICE OF ELECTRONIC FILING

I, Jo Miller, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on this the 9^h day of December, 2009.

/s/ Jo Miller

JO MILLER

CERTIFICATE OF SERVICE

I hereby certify that, a true and correct copy of the foregoing “*Plaintiff, Jackie Fisher’s Motion for Continuance*” was served electronically to Defendants’ counsel of record as follows:

Sam Lively
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Assistant Attorney General
General Litigation Division
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/s/ Jo Miller

Jo Miller, Attorney for Jackie Fisher